

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

NOTICE OF ASSIGNMENT OF CASE FOR TRIAL

The following case is set for trial before Judge Ann D. Montgomery in Courtroom 13 West of the United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota beginning **Monday, October 5, 2009, at 8:45 a.m.**

Questions regarding the calendar may be directed to Gertie Simon, Judge Montgomery's Calendar Clerk, (612) 664-5093.

Fair Isaac Corp., et al. v. Experian Information Solutions, Inc., et al.

Civil No. 06-4112 ADM/JSM

Type: Insurance Trademark (Jury)

Estimated Length: 2 weeks

Plaintiff's Counsel: Ronald Schutz, Randall Tietjen & Michael Collyard; (612) 349-8500

Charles Rule & Joseph Bial, (202) 862-2200

Defendant Experian's Counsel: Mark Jacobson & Christopher Sullivan; (612) 371-3211

M. Elaine Johnston, Robert Milne & Jack Pace, III; (212) 819-8200

Defendant Trans Union's Counsel: Christopher Morris, Lewis Remele, Jr. & Christopher Morris;
(612) 376-1601

Counsel shall electronically file with the Clerk of Court the following documents on or before **Monday, September 21, 2009**. A copy of these documents shall be served on opposing counsel and **two hard copy courtesy copies** shall be provided to Gertie Simon, Judge Montgomery's Calendar Clerk.

1. Documents Required for all Trials:
 - A. A statement of the case indicating the facts which the party intends to prove and indicating any unresolved substantive, evidentiary and procedural issues. The statement shall include the citation and discussion of authority upon which the party relies for its positions on the unresolved issues. Counsel shall indicate the estimated length of time for the entire trial, including jury selection and jury charge, if applicable.
 - B. A list of all exhibits to be used as evidence at trial. The exhibits shall be listed, as much as possible, in the sequence they will be offered. The list shall indicate the exhibits the parties agree are admissible. For the exhibits not so agreed upon, the list shall indicate the grounds for objection. Only exhibits so listed shall be offered into evidence at trial,

except for good cause shown. The original exhibits are not to be submitted with the pretrial papers.

- i) Counsel shall, no later than **September 21, 2009**, mark all exhibits for identification in the sequence in which they will be offered. The case number must be on each exhibit. Plaintiff shall mark its first exhibit P#1. Defendant shall mark its first exhibit D#1. Only exhibits so marked shall be offered into evidence at trial, except for good cause shown.
 - ii Counsel shall, no later than **September 21, 2009**, make available for examination and, if requested, copying, by all counsel, all exhibits which will be offered into evidence at trial. Only exhibits so made available shall be offered into evidence at trial, except for good cause shown.
 - C. A list of the names and addresses of all prospective witnesses, together with a short statement of the substance of the testimony of each witness. Only witnesses so listed shall be permitted to testify except for good cause shown.
 - D. A list of depositions to be offered into evidence in lieu of live testimony. The list shall designate those specific parts of the deposition to be offered at trial. Only depositions so listed shall be offered into evidence at trial except for good cause shown.
 - E. Motions in limine must be electronically filed no later than **Monday, September 21, 2009**. Responses to motions in limine must be electronically filed no later than **Monday, September 28, 2009**.
2. Additional Documents for Jury Trials: In all jury trials, counsel shall electronically submit the following documents in addition to those listed above:
- A. Such questions as counsel desire the Court to ask jurors on voir dire examination.
 - B. Proposed jury instructions. All Proposed jury instructions are required to be jointly filed no later than **Monday, September 21, 2009**, except for those whose need could not be foreseen. A Word or Word Perfect version

of these instructions shall be sent to the chambers e-mail address at Montgomery_chambers@mnd.uscourts.gov. Each proposed instruction shall be numbered and on a separate page and shall contain citation to legal authority. Jury instructions are to be submitted in the following format:

- (i) The parties are required to jointly submit one set of agreed upon instructions. To this end, the parties are required to serve their proposed instructions upon each other at least one week prior to the filing deadline. The parties should then meet, confer, and submit one complete set of agreed upon instructions.
- C. Proposed Special Verdict Forms. A Word or Word Perfect version shall be sent to the chambers e-mail address at Montgomery_chambers@mnd.uscourts.gov.
- 3. Additional documents for non-jury trials. In all non-jury trials, counsel shall submit proposed findings of fact and conclusions of law in addition to the documents listed in section 1 above. A Word or Word Perfect version shall be sent to the chambers e-mail address at Montgomery_chambers@mnd.uscourts.gov.
- 4. Counsel for all parties are strongly encouraged to meet prior to trial to:
 - A. Stipulate to all uncontested facts and matters not in controversy.
 - B. Stipulate to which exhibits may be received without objection prior to trial.
 - C. Discuss settlement. The Calendar Clerk shall be advised as to the probability of settlement.

The failure of any party to comply with the procedures outlined herein may result in the

imposition of an appropriate sanction.

Dated: August 10, 2009

BY THE COURT:

s/Ann D. Montgomery

JUDGE ANN D. MONTGOMERY
UNITED STATES DISTRICT COURT